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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **Case No. 2:23-CR-00155-NDF**
)
RICHARD MCCLOSKEY,)
)
Defendant.)

UNITED STATES' RESPONSE TO THE PETITION FOR RETURN OF PROPERTY

The United States of America, through undersigned counsel, hereby responds to Petitioner Mr. Robert Clifford's petition for return of a B&T MP7 suppressor bearing serial number US213136 (Doc. 44), and states as follows:

1. On November 15, 2023, the Defendant was indicted by a grand jury for the District of Wyoming. (Doc. 19). In the Indictment, the Defendant was charged with a sole Count of Felon in Possession of Firearms, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8), and 921(a)(3). (*Id.*).
2. The Indictment also contained a Forfeiture Notice that included any firearms and ammunition, involved in the commission of the offense charged, including but not limited to:
 - a B&T MP7 suppressor bearing serial number US213136.

3. On March 20, 2024, the Defendant entered into a plea agreement with the United States. (Doc. 32). In the plea agreement, the Defendant pleaded guilty to the sole Count of the Indictment and consented to the forfeiture of B&T MP7 suppressor bearing serial number US213136, listed in the Indictment, and admitted that the suppressor was involved in the offense charged. (Docs. 19, 32).
4. On April 4, 2024, the Defendant pleaded guilty to the sole Count of the Indictment. (Docs. 19, 36). Upon the Defendant's plea of guilty to the sole Count of the Indictment, the court entered a Preliminary Order of Forfeiture on April 24, 2024 (Doc. 42), finding that the government had established the requisite nexus between the property to be forfeited and the crime of conviction. (*Id.*)
5. Upon the issuance of the Preliminary Order of Forfeiture, the United States published notice of the Order on the government's official Internet website, www.forfeiture.gov, on April 25, 2024. Third-party interests and claims may be filed for the B&T suppressor no later than 60 days after the first day of publication, or June 24, 2024, in accordance with Fed. R. Crim. P. Rule 32.2(c) and Supplemental Rule G(5) of the Federal Rules of Civil Procedure.
6. On April 24, 2024, the United States also mailed direct/ancillary notice to Robert Clifford, 910 Avenue E, Powell, WY 82435, in accordance with Fed. R. Crim. P. Rule 32.2(c) and Supplemental Rule G(4) of the Federal Rules of Civil Procedure because he reasonably appeared to be a potential claimant of the B&T suppressor. (Doc. 43).
7. On May 17, 2024, Claimant Robert Clifford, on behalf of Pathfinder Defense, LLC, filed a claim with the court for return of the B&T suppressor. (Doc. 44).

8. Sentencing for Defendant Richard McCloskey is scheduled for June 26, 2024, at which point the preliminary order of forfeiture will become final as to Defendant Richard McCloskey. (Doc. 36).

9. At present the United States has no reason to doubt Mr. Clifford's assertion of ownership. ATF has identified that Mr. Clifford's company, Pathfinder Defense, LLC, has a registered federal firearms license and is listed in the chain of ownership on the B&T suppressor. The United States has also confirmed that Mr. Clifford reported the B&T suppressor stolen to the ATF on August 15, 2023.

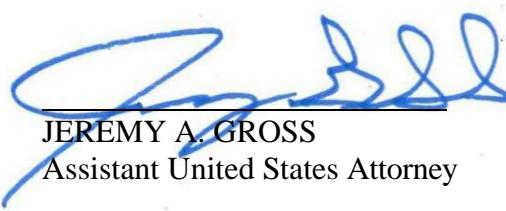
Accordingly, the United States is not requesting discovery pursuant to Fed. R. Crim. P. 32.2(c)(1)(B) to resolve Mr. Clifford's petition. The United States intends to file a motion for final order of forfeiture stipulating to the return of the B&T suppressor to Mr. Clifford. The United States intends to file such a motion after the forfeiture of the B&T suppressor becomes final as to Defendant Richard McCloskey. *See* Fed. R. Crim. P. 32.2(b)(4)(A).

DATED this 18th day of June 2024.

ERIC J. HEIMANN
Acting United States Attorney

JONATHAN C. COPPOM
Assistant United States Attorney

By:



JEREMY A. GROSS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June 2024, a true and correct copy of the foregoing United States Response to the Petition for Return of Property was served upon the following, by U.S. First Class Mail.

Pathfinder Defense LLC,
C/O Robert Clifford
910 Avenue E
Powell, WY 82435

/s/ Kebin Haller

UNITED STATES ATTORNEY'S OFFICE